

**RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) / PRIVACY
ACT (PA) REQUEST**

2011-0083

2

RESPONSE
TYPE ☐ FINAL ☒ PARTIAL

REQUESTER

Dr. Edwin Lyman

DATE

MAR 25 2011

PART I. -- INFORMATION RELEASED

- ☐ No additional agency records subject to the request have been located.
- ☐ Requested records are available through another public distribution program. See Comments section.
- ☐ APPENDICES
Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
- ☒ APPENDICES
C, D Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- ☐ Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD 20852-2738.
- ☒ APPENDICES
C, D Agency records subject to the request are enclosed.
- ☐ Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- ☒ We are continuing to process your request.
- ☐ See Comments.

PART I.A -- FEES

AMOUNT *

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- ☐ You will be billed by NRC for the amount listed. ☐ None. Minimum fee threshold not met.
- ☐ You will receive a refund for the amount listed. ☐ Fees waived.

* See comments
for details**PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE**

- ☐ No agency records subject to the request have been located.
- ☒ Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- ☒ This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

PART I.C COMMENTS (Use attached Comments continuation page if required)

The incoming request is in ADAMS at MI110400354.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing *Mary Jean Raphael for*

**RESPONSE TO FREEDOM OF INFORMATION
ACT (FOIA) / PRIVACY ACT (PA) REQUEST**

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PART II.A -- APPLICABLE EXEMPTIONS**APPENDICES****D**

Records subject to the request that are described in the enclosed Appendices are being withheld in their entirety or in part under the Exemption No.(s) of the PA and/or the FOIA as indicated below (5 U.S.C. 552a and/or 5 U.S.C. 552(b)).

- ☐ Exemption 1: The withheld information is properly classified pursuant to Executive Order 12958.
- ☐ Exemption 2: The withheld information relates solely to the internal personnel rules and procedures of NRC.
- ☐ Low 2 Internal matters of a relatively trivial nature.
- ☐ High 2 Disclosure would risk circumvention of a legal requirement.
- ☐ Exemption 3: The withheld information is specifically exempted from public disclosure by statute indicated.
- ☐ Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
- ☐ Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
- ☐ 41 U.S.C., Section 253b, subsection (m)(1), prohibits the disclosure of contractor proposals in the possession and control of an executive agency to any person under section 552 of Title 5, U.S.C. (the FOIA), except when incorporated into the contract between the agency and the submitter of the proposal.
- ☐ Exemption 4: The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated.
- ☐ The information is considered to be confidential business (proprietary) information.
- ☐ The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.390(d)(1).
- ☐ The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2).
- ☐ Disclosure will harm an identifiable private or governmental interest.
- ☐ Exemption 5: The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Applicable privileges:
- ☐ Deliberative process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.
- ☐ Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation)
- ☐ Attorney-client privilege. (Confidential communications between an attorney and his/her client)
- ☒ Exemption 6: The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- ☐ Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
- ☐ (A) Disclosure could reasonably be expected to interfere with an enforcement proceeding (e.g., it would reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators).
- ☐ (C) Disclosure would constitute an unwarranted invasion of personal privacy.
- ☐ (D) The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
- ☐ (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
- ☐ (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- ☐ OTHER (Specify)

PART II.B -- DENYING OFFICIALS

Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECY	IG
Edwin M. Hackett	Executive Director, Office of the Advisory Committee on Reactor Safeguards	Appendix D, Items 1 - 7, 11, 12		✓	
Michael F. Weber	Deputy Executive Director for Materials, Waste, Research, State, Tribal & Compliance Programs	Appendix D, Items 8 - 10, 14		✓	
Elmo E. Collins, Jr	Regional Administrator, Region IV	Appendix D, Item 13	✓		

Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should clearly state on the envelope and letter that it is a "FOIA/PA Appeal."

APPENDIX C
RECORDS BEING RELEASED IN THEIR ENTIRETY
(If copyrighted identify with *)

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	02/22/10	Handwritten notes related to SOARCA, C. Pederson, Region IV. (1 page)
2.	07/27/10	E-mail from D. Passehi, Region III to C. Pederson, Region IV, et al; Subject: RE: SOARCA and recent SRA counterpart meeting. (2 pages)
3.	07/28/10	E-mail from C. Pederson, Region IV to L. Kozak, Region III; Subject: RE: SOARCA and recent SRA counterpart meeting. (2 pages)
4.	08/02/10	E-mail from C. Pederson, Region IV to L. Region III, et al; Subject: SOARCA Steering Comm update. (1 Page)
5.	08/31/09	E-mail from D. Powers, Region IV to K. Brewton; Subject: RSVP – RA AI 09-196. (1 page)
6.	09/17/09	E-mail from G. Tutak, Region IV to S. Graves, Region IV; Subject: RE: QUES: SOARCA. (1 page)
7.	10/01/09	E-mail from E. Collins, Region IV to D. Powers, Region IV; Subject: Re: FYI – Your Tuesday Morning Agenda for SOARCA Support. (1 page)
8.	10/08/09	E-mail from D. Powers, Region IV to G. Tutak, Region IV; Subject: RSVP – An Opportunity to Volunteer. (1 page)
9.	01/21/11	E-mail from D. Dube, NRO to M. Snodderly, COMM; Subject: RE: SOARCA Brochure. (1 page)
10.	05/21/10	E-mail from C. Crawford, COMM to P. Bubar, FSME, et al; Subject: Weekly Meetings and Periodics for Week of May 24 th . (1 page)
11.	08/06/10	E-mail from K. Hart, SECY to A. Vietti-Cook, SECY; Subject: FW: Requesting a Commissioners Assistant's Briefing on SOARCA. (3 pages)
12.	11/23/10	E-mail from M. Franovich, COMM to P. Shea, SECY; Subject: RE: Extension Request: 11/3/10, Response Requested by 11/20/10. (1 page)
13.	01/28/11	E-mail from M. Franovich, COMM to W. Orders, COMM, et al; Subject: FW: SOARCA. (1 page)
14.	02/07/11	E-mail from M. Franovich, COMM to G. Bowman, EDO; Subject: RE: FYI – Early Definition. (1 page)

15. 02/07/11 E-mail from M. Franovich, COMM to W. Ostendorff, COMM; Subject: AWARENESS: Request for TA Briefing – Periodic SOARCA Status Update. (3 pages)
16. Undated Comments on Volume I Section 3.0 "Methods Used for Mitigative Measures Assessment." (1 page)
17. 12/07/07 E-mail from J. Vail, NRR to R. Prato, RES; Subject: A Summary of AEC / NRC Risk and consequence Reports. (8 pages)
18. 11/12/08 E-mail from J. Vail, NRR to T. Brock, NRR; Subject: Surry Seismic LERF. (1 page)
19. 03/03/09 E-mail from J. Vail, NRR to J. Grobe, NRR, et al; Subject: RE: Action: SOARCA-SECY Concurrence by 3/5/09. (1 page)
20. 03/05/09 E-mail from J. Vail, NRR to J. Grobe, NRR; Subject: RE: RE: Suggested NRR Comments on the SOARCA SECY. (2 pages)
21. Undated Document - Action: SOARC-SECY Concurrence by 3/5/09. (3 pages)
22. 11/18/10 E-mail to B. Sweeney, NRC ; received E-mail from D. Brown, NRO to G. Hatchett, NRC, et al; Subject: FW: Draft SOARCA Report. (1 page)
23. 05/22/07 E-mail from C. Niles, NRO to C. Cox, NRC; Subject: Fwd: Re: SC Meeting Results, w/handwritten notes. (2 pages)
24. 06/12/07 E-mail from H. Nourbakhsh, ACRS to R. Prato, NRO; Subject:-Re: SOARCA July 10 Sub-Committee Mtg Background Material. (1 page)
25. 06/25/07 E-mail from H. Nourbakhsh, ACRS to B. Shack; Subject: NEI Letter on SOARCA. (7 pages)
26. 06/27/07 E-mail from R. Prato, NRO to H. Nourbakhsh, ACRS; Subject: Re: ACRS Subcommittee on SOARCA. (1 page)
27. 06/28/07 E-mail from H. Nourbakhsh, ACRS to R. Prato, NRO; Subject: Draft Agenda for July 10 Meeting. (2 pages)
28. 11/05/07 E-mail from J. Szabo, NRR to F. Gillespie; Subject: Re: Closed Meetings. (1 page)
29. 11/14/07 E-mail from J. Szabo, NRR to C. Santos; Subject: Re: ACRS/ACNW Meetings on SOARCA. (1 page)
30. 11/15/07 E-mail from H. Nourbakhsh, ACRS to C. Santos; Subject: Fwd: Re: ACRS/ACNW Meetings on SOARCA. (1 page)
31. 10/22/08 E-mail from H. Nourbakhsh, ACRS to J. Gallo, ACRS; Subject: FW: Media question on SOARCA- related ACRS Presentation. (2 pages)

32. 05/04/09 E-mail from H. Nourbakhsh, ACRS to T. Brock, RES; Subject: Re; Confirmation of ACRS-SOARCA Briefing Case. (2 pages)
33. 02/22/08 E-mail from H. Nourbakhsh, ACRS to F. Eltawila; Subject: ACRS Recommendations on SOARCA. (2 pages)
34. 04/10/08 E-mail from H. Nourbakhsh, ACRS to J. Delgado, ADCRS; Subject: Reconciliation Memo on SOARCA. (4 pages)
35. 04/17/08 E-mail from H. Nourbakhsh, ACRS to C. Santos; Subject: SOARCA Letter. (5 pages)
36. 11/25/07 SOARCA Briefing, November 16, 2007; Consultant's Report. Graham Wallis. 3 pages)
37. 06/07/10 USNRC Slide Show Presentation: Historical Perspectives and Insights on Nuclear Reactor Accident Consequence Analyses. (23 pages)
38. 03/26/10 E-mail from K. O'Donohue, EDO to M. Marshall, COM; Subject: RE: Request: Public Availability of SECYs and SRMS concerning SOARCA. (2 pages)
39. 07/23/10 E-mail from M. Weber, EDO to J. Giessner, Region III; Subject: Response – Thoughts on next steps SOARCA for briefing the Commission. (1 page)
40. 08/13/10 E-mail from J. Andersen, NSIR to J. Giessner, Region III; Subject: SOARCA Paper. (1 page)
41. 08/16/10 E-mail from J. Giessner, Region III to J. Anderson, EDO; Subject: RE: SOARCA Paper. (1 page)
42. 09/07/10 E-mail from J. Andersen, EDO to J. Giessner, Region III; Subject: RE: SOARCA Brief. (2 pages)
43. 09/14/10 E-mail from M. Weber, EDO to J. Giessner, Region III; Subject: Response – Periodic Meeting with Commissioner Ostendorff. (1 page)
44. 09/23/10 E-mail from J. Giessner, Region III to M. Weber, EDO, et al; Subject: SOARCA, LIII PRA, communication tools. (1 page)
45. 09/24/10 E-mail from S. Cianci, EDO to J. Andersen, EDO; Subject: FW: Extension Request – WITS 200700117 & WITS 200800373. (1page)
46. 10/05/10 E-mail from K. Brock, EDO to P. Santiago, RES; Subject: CA Note_SOARCA-LvI3_BS (2).docx. (1 page)
47. 10/06/10 E-mail from M. Weber, EDO to K. Brock, EDO; Subject: Response – SOARCA Brief. (1 page)
48. 10/13/10 E-mail from G. Bowman, EDO to P. Santiago, RES; Subject: FW: CA Note – State-of-the-Art Reactor Consequence Analysis Study and the Proposed New Level 3 Probabilistic Risk Analysis. (2 pages)

49. 11/30/10 E-mail from M. Weber, EDO to G. Bowman, EDO; Subject: Response – SOARCA Brief Follow-up Question. (1 page)
50. 12/14/10 E-mail from M. Weber, EDO to G. Bowman, EDO; Subject: Response – RES Project Plans for SOARCA PRA Level III, and Cancer Risk Study. (1 page)
51. 01/18/11 E-mail from A. Dias, ACRS to T. Gosh; Subject: RE: SOARCA status – FW: January NACT Table Plus Meeting Reminder!!! (3 pages)
52. 01/19/11 E-mail from M. Weber, EDO to G. Bowman, EDO; Subject: Response – Periodic SOARCA Briefings. (1 page)
53. 01/19/11 E-mail from G. Bowman, EDO to M. Weber, EDO; Subject: Query – Periodic SOARC Briefings. (1 page)
54. 01/24/11 E-mail from G. Bowman, EDO to J. Andersen, EDO; Subject: FW: Response – Extension Request – WITS 200700117 & 200800373. (2 pages)
55. 01/28/11 E-mail from G. Bowman, EDO to M. Franovich, COMM; Subject: New NRC Daily Notes for October 29, 2010. (1 page)
56. 02/01/11 E-mail from M. Weber, EDO to G. Bowman, EDO; Subject: Response – Upcoming SOARCA Briefings. (1 page)
57. 02/01/11 E-mail from G. Bowman, EDO to K. Hart, SECY; Subject: Request for TA Briefing – Periodic SOARCA Status Update. (1 page)
58. 02/01/11 E-mail from M. Muessle to G. Bowman, EDO; Subject: Response: Re: Request for TA Briefing – Periodic SOARCA Status Update. (3 pages)
59. 02/03/11 E-mail from G. Bowman, EDO to K. Brock, EDO; Subject: SOARCA Meeting. (1 page)
60. 02/04/11 E-mail from K. Brock, EDO to G. Bowman, EDO; Subject: Re: SOARCA Meeting. (1 page)
61. 07/11/08 E-mail from J. Jones, Sandia to R. Sullivan, NSIR; Subject: RE: Sequayah data. (3 pages)
62. 09/02/08 E-mail from M. Leonard, DYDODA to R. Sullivan, NSIR; Subject: RE: SOARCA, what else. (1 page)
63. 09/03/08 E-mail from M. Leonard, DYDODA to R. Sullivan, NSIR, et al; Subject: RE: Anyone know the size of the PBottom hardened vent? (1 page)
64. 10/07/10 E-mail from S. Burnett, PA to R. Sullivan, NSIR; Subject: RE: FEMA RAC Chair brief final I hope. (1 page)
65. 02/03/09 Power Point Slides – Subject: State-of-the-Art Reactor Consequence Analysis Emergency Response Modeling. (17 pages)

**APPENDIX D
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	06/22/09	E-mail from H. Nourbakhsh, ACRS to E. Hackett, ACRS, et al; Subject: FW: Comments on the SOARCA Program. (3 pages) / EX 6
2.	02/21/09	E-mail from W. Shack, ANL to H. Nourbakhsh, ACRS; Subject: Re: SOARCA Letter. (14 pages) / EX 6
3.	04/08/08	E-mail from H. Nourbakhsh, ACRS to W. Shack, ANL; Subject: Recent SECY on SOARCA. (1 page) / EX 6
4.	04/17/08	E-mail from H. Nourbakhsh, ACRS to B. Shack, ANL; Subject: SOARCA. (4 pages) / EX 6
5.	05/27/08	E-mail from H. Nourbakhsh, ACRS to D. Powers, et al; Subject: Latest EDO Response on SOARCA – May 20. (2 pages) / EX 6
6.	06/02/08	E-mail from H. Nourbakhsh, ACRS to C. Santos; Subject: FW: Reconciliation Memo on SOARCA. (3 pages) / EX 6
7.	06/28/10	E-mail from T. Kress to W. Shack, ANL, et al; Subject: Consultant's Report on the SOARCA June 21, 2010 Meeting. Doc. (3 pages) / EX 6
8.	12/14/10	E-mail from G. Bowman, EDO to H. Gonzalez, NMSS; Subject: FW: FYI – RES Project Plans for SOARCA, PRA Level III, and Cancer Risk Study. (1 page) / Portion Outside of Scope
9.	01/03/11	E-mail from G. Bowman, EDO to R. Rihm, EDO; Subject: RE: Request for Input. (2 pages) / Portions Outside of Scope
10.	02/03/10	E-mail from M. Weber, EDO to G. Bowman, EDO; Subject: Response – Two Items. (1 page) / Portions Outside of Scope
11.	09/21/09	E-mail from H. Nourbakhsh, ACRS to The Specters; Subject: ACRS Meeting on SOARCA. (3 pages)
12.	06/17/10	E-mail from G. Wallis, Dartmouth College; Subject: Re: Consultant Report on SOARCA. (3 pages)
13.	11/04/09	NRC Reporter, Vol 5, Issue 44. (1 page) / Portions Outside of Scope
14.	08/19/09	NRC Reporter, Vol 5, Issue 33. (1 page) / Portions Outside of Scope